THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.29539 of 1998

Dated : 14.03.2007

Between:

Subbannagari Venkataramana S/o Muneppa and others.

… **PETITIONERS**

And:

The Forest Range Officer, Punganur,
Chittoor District and another.

….**RESPONDENTS**

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.29539 of 1998

ORDER:

Petitioners question the action of the respondents in proposing to auction eight tamarind trees situated in the respective house premises of the petitioners at Yellampalli Village H/o Arikala revenue village, Ramasamudram Mandal.

It is their case that they are residents of Yellampalli village, which is a gramanatham. There are eight tamarind trees in the house premises of the petitioners, which are more than 50 years old, and they alleged to have been enjoying the usufruct of the trees without any hindrance. While so, the then Tahsildar, Punganur, sought to allot

these trees to third parties alleging that they belong to Government. However, after due enquiry, he dropped the said action. Subsequently, some of the villagers of Yellampalli sent petitions to the second respondent alleging that the tamarind trees situated in the premises of the petitioners' houses may fall on their dwelling houses and therefore, they sought to remove the same. Based on those petitions, the second respondent addressed a letter to the first respondent to auction the trees, without affording any opportunity to the petitioners. The first respondent also issued auction notice on 07.10.1998 proposing to conduction auction on 26.10.1998. Though the petitioners sent a representation on 08.10.1998 requesting the respondents not to the auction the trees without hearing them, they are proceeding with the same. Hence, this writ petition.

Despite service of notice, the respondents have not chosen to file any counter.

While issuing rule nisi on 27.10.1998,this Court directed the respondents not to cut the trees pending further orders. The respondents have not filed any counter stating as to whether the petitioners got any right over the said trees. Hence, this Court is of the view that the contentions of the petitioners shall be accepted.

Accordingly, this writ petition is allowed and the respondents are directed not to auction and cut the trees situated in the respective house premises of the petitioners at Yellampalli Village H/o Arikala revenue village, Ramasamudram Mandal. There shall be no order as to costs.

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14.03.2007

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